

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GIOVANNI MONTES,

Plaintiff,

v.

MILLER,

Defendant.

Case No. [22-cv-07229-JST](#)

ORDER OF DISMISSAL

Plaintiff has filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On March 28, 2024, court mail addressed to Plaintiff was returned as undeliverable. ECF No. 25. N.D. Cal. L.R. 3-11 provides that the Court may, without prejudice, dismiss a complaint when: (1) court mail addressed to the *pro se* party has been returned to the court as undeliverable, and (2) the Court fails to receive within 60 days of this return a written communication from the *pro se* party indicating a current address. *See* N.D. Cal. Civil L.R. 3-11(b). More than sixty days has passed since court mail addressed to Plaintiff was returned as undeliverable, and the Court has not received any communication from Plaintiff. Accordingly, this action is DISMISSED without prejudice pursuant to N.D. Cal. Civil L.R. 3-11. Because the dismissal is without prejudice, Plaintiff may file a motion to reopen the action but any such motion must be accompanied by Plaintiff's current address and a showing of good cause as to Plaintiff's failure to prosecute and failure to provide the Court with an updated address, as required by N.D. Cal. L.R. 3-11.

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For the reasons set forth above, this action is DISMISSED without prejudice. The Clerk shall enter judgment in favor of Defendant and against Plaintiff, terminate all pending motions as moot, and close the case.

IT IS SO ORDERED.

Dated: June 12, 2024



JON S. TIGAR
United States District Judge

United States District Court
Northern District of California